

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MICHAEL MORRISON,

Plaintiff,

V.

JOSEPH HAUGHTON, et al.,

Defendants.

Case No. 6:21-cv-41-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Michael Morrison, proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition.

Before the Court are Defendant Gary Dominy's motion to dismiss (Docket No. 10), Defendants Mike Dominy and Alto Investment's motion to dismiss (Docket No. 11), and Defendants Joseph Haughton and the City of Alto's motion to dismiss (Docket No. 15). On May 25, 2021, Judge Love issued a Report recommending that Defendants' motions be granted. Docket No. 18. Judge Love recommended that Plaintiff's claims against Defendants Gary Dominy, Mike Dominy, Alto Investments, and Tony Johnson be dismissed without prejudice for lack of subject matter jurisdiction. Judge Love further recommended that Plaintiff's § 1983 claims occurring before January 25, 2019 be dismissed without prejudice as barred by the

statute of limitations. Finally, Judge Love recommended dismissing Plaintiff's conspiracy claims with prejudice for failure to recite a cognizable claim for relief. Judge Love found that any further amendment would be futile as Plaintiff has stated his best case. A copy of this Report was sent to Plaintiff at the address he provided. To date, no objections to the Report have been filed.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no objections were filed in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 18) as the findings of this Court.

Defendants' motions to dismiss (Docket Nos. 10, 11, 15) are **GRANTED**. Plaintiff's claims against Defendants Gary Dominy, Mike Dominy, Alto Investments, and Tony Johnson are **DISMISSED** without prejudice for lack of subject matter jurisdiction. Plaintiff's conspiracy claims against all Defendants are **DISMISSED** with prejudice. Plaintiff's § 1983 claims against all Defendants occurring before January 25, 2019 are **DISMISSED** without prejudice as barred by the statute of limitations.

So **ORDERED** and **SIGNED** this **28th** day of **July, 2021**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE